

Minutes of Meeting
Board of Funeral, Cemetery and Consumer Services
June 27, 2007 - 10:00 A.M. to 5:00 P.M.
Embassy Suites Hotel – Lake Buena Vista Resort
8100 Lake Avenue
Orlando, FL 32836

I. Call to Order and Roll Call

Mr. Jody Brandenburg, Vice Chairman, called the meeting to order at 10:00am. Ms. Diana Evans, Executive Director, called the roll:

PRESENT:

Jody Brandenburg, Vice-Chairman
Pete Ballas
Justin Baxley
Powell Helm
Nancy Hubbell
Ken Jones
Gail Thomas-DeWitt
Catherine Zippay

ALSO PRESENT:

Diana Evans, Executive Director
Deborah Loucks, Board Counsel
Mechelle McBride, Department Counsel
Elizabeth Teegeen, Department Counsel
Casia Sincio, Department Counsel
James Gellepis, Department Staff
LaTonya Bryant, Department Staff
Field Staff (Alton Asher-Orlando)

ABSENT:

Greg Brulnicki, Chairman
Tracy Huggins

Ms. Evans declared a quorum.

Mr. Chairman recognized Col. Pete Ballas on celebrating his 90th birthday on June 26th.

Mr. Chairman also recognized the following industry leaders

- Kevin Davis, St. Pete College Program Director
- Roy Weimert, FCCJ Funeral Services Program Director
- Clay Roberson, FFDA President
- George Morgan III, IFDF
- Mike Uselton, FCA

II. Action on the Minutes

A. April 11, 2007

Mr. Chairman confirmed that all Board members had read the draft of the minutes of the previous Board meeting held on April 11th.

MOTION: Mr. Ken Jones moved to adopt the minutes of the meeting. Ms. Gail Thomas-DeWitt seconded the motion, which passed unanimously.

B. May 15, 2007- Teleconference

Mr. Chairman confirmed that all Board members had read the draft of the minutes of the previous teleconference meeting held on May 15th.

MOTION: Mr. Powell Helm moved to adopt the minutes of the meeting. Ms. Catherine Zippay seconded the motion, which passed unanimously.

III. Old Business

A. Application(s) for Funeral Establishment

1. Batts Mortuary (Jacksonville)

Ms. Evans stated that the application was submitted on January 8, 2007. The application was incomplete when submitted and a deficiency letter was sent to the applicant. The deficient items were returned on March 29, 2007. The fingerprint cards for the principal was submitted and returned without criminal history. The funeral establishment passed its inspection on April 11, 2007. The board voted to defer the application on the May 15, 2007 conference call pending additional information. The board had found three different issues concerning the application: 1) Box 13 was unanswered; 2) Clarification of who would provide arrangements for refrigeration and storage; 3) Notification of who the Funeral Director in Charge of the establishment will be. Mr. Batt submitted the additional information on June 9, 2007 to complete the application.

MOTION: Col. Pete Ball moved to approve the application. Mr. Justin Baxley seconded the motion, which passed unanimously.

2. Elder Funeral Home LLC d/b/a Elder Funeral Home (Jacksonville)

Ms. Evans stated that the application was submitted on February 15, 2007. The application was incomplete when submitted and a deficiency letter was sent to the applicant. The deficient items were returned on March 16, 2007. The fingerprint cards for the principal was submitted and returned without criminal history. The funeral establishment passed its inspection on April 16, 2007. The board voted to defer the application at the May 15, 2007 conference call pending additional information. The board requested clarification of whether the refrigeration and storage would be maintained on site or contracted out to another establishment. Mr. Elder submitted a revision of the application and a copy of the contract from Holmes-Glover-Solomon Funeral Directors on May 15, 2007 to complete the application.

MOTION: Col. Ball moved to approve the application. Ms. Zippay seconded the motion, which passed unanimously.

IV. Disciplinary Proceedings

A. Richardson Mortuary, DFS Case No. ~~8674~~ 06 FC

Mr. Chairman stated that this item would be deferred until later in the meeting as Mr. Jackson is delayed in traffic.

V. Informal Hearing(s)

A. Rickie Vannonen King, DFS Case No. 8459607-FC

Ms Mechele McBride stated that the Board would need to open the record in order to begin the Informal Hearing proceeding.

Ms Deborah Loucks stated that this applicant was denied licensure because of his answer to the criminal history question. There is a Notice of Intent to Deny Licensure filed by the Department. The Board is here to discuss once Mr. King received the Notice of Intent to Deny, he requested an informal hearing before the Board. Basically, what he is here to do is ask the Board to reconsider the denial for licensure on those grounds. If desired to do so, the Board could take testimony from the Department and Mr. King or allow Mr. King to provide additional information that was not provided.

Ms McBride stated since Mr. King has the burden of proving his entitlement to licensure, as he is the applicant and petitioner, then he will go first in presenting his testimony and evidence. Mr. King has witnesses to speak on his behalf, including his supervisor. Thereafter, the Department will then present its evidence and then the Board could then decide how to proceed.

Mr. Baxley questioned whether the application was for an embalmer apprenticeship.

Ms McBride responded yes.

Ms Loucks stated that before the proceeding began Mr. King would have to be sworn in. Ms Loucks asked that Mr. King raise his right hand. Ms Loucks asked if Mr. King swore to tell the truth, the whole truth and nothing but the truth.

Mr. King responded yes.

Mr. King stated that he was born and raised in Jacksonville, Florida before moving to North Carolina to attend college at Central Piedmont Community College, where he received an Associate's Degree in Hotel Restaurant Management. Mr. King was married and had 2 children while there. In 1988 Mr. King moved back to Jacksonville to care for his ailing father. Upon returning, Mr. King worked in restaurant management to care for his family, but more income was needed to accomplish this. Mr. King then enrolled in Cosmetology school, where he received a Cosmetology license from the State of Florida.

In 1992, Mr. King's wife was diagnosed with a terminal illness causing Mr. King's life to go into turmoil and spin out of control, as he was still caring for his father. Mr. King became dependent on drugs, with cocaine being his drug of choice, to cope with the situation. In 1993, Mr. King was arrested for the purchase of cocaine, as he bought the drug to support his habit.

In 1997, Mr. King was arrested for robbery. Mr. King admits stealing but would like to explain the situation. After being out all night with a friend, another addict, the two went into a store where they were removing the cash for the day. Mr. King and his associate grabbed the money bag and ran. Mr. King was held by a citizen until the police arrived. Mr. King was arrested and taken to jail. Mr. King states that was the best and worst day of his life. While in jail, Mr. King had time to think and get his life

back on track, as he enrolled in and completed a drug treatment program while there. This began Mr. King's road to recovery.

In 1997, shortly after being released from jail, Mr. King's wife died, leaving him with 2 children to care for. This task was done solely by Mr. King, as he took care of the children, who have both graduated from college. In 2000 Mr. King recommitted his life to Christ and has become a member of the Greater Church of God by Faith in Jacksonville, FL. After the children grew up and left home, Mr. King found himself yearning for something further so he enrolled at Florida Community College in the Funeral Service Program and graduated with special honors August 10, 2006. After graduation, Mr. King was employed with C.L. Page Mortuary and passed the National Board examination on December 27, 2006. Mr. King pleaded for the Board to find it in their hearts to grant him licensure in the State of Florida as an embalmer apprentice.

Ms Loucks asked if Ms Page swore the testimony she gives would be the truth, the whole truth and nothing but the truth.

Ms Carla Page stated that Mr. King first came to her attention through the Florida Community College Work Experience Program, as she came highly recommended by the coordinator of the program. On September 11, 2006 Mr. King became employed by her firm. Since that time, his mannerism has been professional and he has proved to be honorable, showed compassion and integrity. Mr. King has been placed in a level of trust and since the first day has shown no reason not to believe in him. Mr. King is constantly showing improvement. Given the opportunity, Mr. King would be an asset to the funeral profession.

Ms Loucks asked if Dr. Albert Simpson, Jr. swore the testimony she gives would be the truth, the whole truth and nothing but the truth.

Dr. Albert Simpson, Jr. stated that previously he was scheduled to be in the panhandle to represent some other people, but he felt as though this was more important. Previously, a sworn letter was submitted to Ms McBride to be included in the packet. Dr. Simpson read the letter into record:

"I was confirmed and appointed by the President of the Florida Senate, the Honorable Ken Pruitt and the confirmation committee of the Florida Senate to serve under the directions of the Attorney General, the honorable Bill McCollum and his staff along with eighteen other Council members to systematically study the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rates, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including post secondary levels and health issues and propose measures to alleviate and correct the underlying causes of these conditions. I have observed Rickie Vannorren King, Sr. for a period of time in his job related duties at C.L. Page Mortuary, also where I serve as the mortuary Chaplain. Rickie always displays a quiet and professional demeanor of service with consistency and stability.

I have reviewed his criminal history file especially the offenses in question which occurred ten years ago and I am impressed with his endurance and perseverance to overcome the atrocities of crime and enroll and participate in the River Region Human Services Recovery Program in May 23, 1997 and continued in the aftercare phase to become healed and stable; and to complete the prescribed course of instructions at the Florida Community College at Jacksonville in the field of Funeral Services Arts and Funeral Services Sciences also receiving a scaled score of eighty one in the units and content areas of Embalming, Restorative Art, Microbiology, Pathology, Chemistry and Anatomy and also receiving a State License in Cosmetology. Rickie Vannorren King, Sr. has demonstrated that his past, certainly is not evident today and that he is worthy of any fiduciary responsibility if granted the opportunity to

serve in the Profession of Mortuary Science as a Professional. I am reminded by the quote of Samuel Johnson that "Great works are performed not by strength, but perseverance;" Rickie has persevered with amazing courage and strength, please give him the opportunity in my humble opinion to become approved to practice in this honorable and noble vocation for the great state of Florida "

Dr. Simpson stated that he meant every word of his letter from the depths of his heart.

Mr. Chairman questioned how long Dr. Simpson has personally known Mr. King.

Dr. Simpson responded almost a year. Dr. Simpson stated that he is especially honored and thankful that Mr. King "pulled up" 10 years ago and has gotten it right and is trying to become successful and is all doing the necessary things to accomplish this.

Mr. Baxley questioned the reasoning behind Mr. King applying for an apprenticeship as opposed to applying for an internship.

Mr. King stated that the application was submitted prior to his completion of school.

Mr. Baxley stated that if the Board grants licensure of the apprenticeship, this issue could come up again during the internship and also at the time of the ultimate licensure.

Mr. King stated that he was unaware of this and was under the impression if it was resolved now, then he could move on and apply for licensure.

Mr. Helm questioned whether Mr. King attended the Board meeting in St. Petersburg.

Mr. King responded no.

Ms. McBride questioned whether the Board had any questions for Mr. King's supervisor.

Mr. Chairman responded no.

Ms. McBride stated that she was provided the Notice of Intent to Deny Licensure, the Election of Proceedings, the information pertaining to Mr. King's criminal history, his application for licensure and a copy of the Law Enforcement record sheet which details Mr. King's criminal history. The Department does not have any witnesses or any other evidence to present before the Board.

Mr. Jones questioned whether Mr. King could drop the application for apprentice and submit an application for the internship.

Ms. McBride stated that Mr. King would have to apply again and come back before the Board.

MOTION: Ms. Nancy Hubbell moved to approve the request. Mr. Baxley seconded the motion, which passed unanimously.

VI. Request(s) for Board Appearance

A. Headrick, Brent

Mr. Brent Headrick asked that the Board reconsider his funeral directors only license and to consider changing that to a funeral directors and embalmers license. Mr. Headrick presented the Board with a packet of information.

Mr. Headrick stated that in January 2006 he applied for a funeral director internship. At that time, Mr. Headrick submitted the application that he believed would allow him to perform all duties of a funeral director, including embalming. The application was approved and Mr. Headrick received his funeral director internship on March 16 2006. Mr. Headrick completed his internship under the leadership of Mr. David Broadus, who looked over all the paperwork and approved everything. Mr. Broadus was also under the impression that Mr. Headrick was able to embalm.

Mr. Headrick submitted his 1st quarterly report which included both funerals and embalmings worked. Once that year was over, Mr. Headrick applied for the funeral directors license. Mr. Headrick then took and passed the State exam. Mr. Headrick added that it was not until he called for his license number that he noticed something was wrong as his number was different than the other funeral directors he worked with. Mr. Headrick then contacted the Department and found that he was only licensed to be a funeral director not an embalmer.

Mr. Headrick asked that the Board take into consideration that he had done all the work and paperwork although he was not licensed for it. Mr. Broadus, who supervised Mr. Headrick, submitted a letter of recommendation. Mr. Headrick is in a situation where he is just out of school working alone in a small firm. Bringing in an embalmer creates a hardship for the company.

Mr. Baxley questioned whether this is something the Board can legally do.

Ms. Loucks stated that basically this would be a waiver of Rule 9K-18.001 that requires submission of an application prior to doing the training. The Board is allowed to waive that Rule if it chooses to do so. Mr. Headrick would have to complete the application and pay the fee. If all the reports submitted meet the requirements of the Rule, the only missing would be the application. The Board could grant Mr. Headrick the embalmer license with the condition that he submit the application and the fee.

Ms. Gail Thomas DeWitt stated that there is a difference in the exam. Ms. Thomas DeWitt questioned whether Mr. Headrick would have to take the exam again if the Board waives the Rule for the internship.

Mr. Baxley questioned whether Mr. Headrick has taken both parts of the National Board exam.

Mr. Headrick responded that both parts were taken in December 2005.

Ms. Thomas DeWitt responded that under Florida Mr. Headrick actually took the Florida Laws and Rules exam.

Mr. Headrick stated he contacted the Department and was advised that the tests were the same.

Ms. Loucks stated that the Rule could be waived if he has met all the other requirements. If Mr. Headrick has not met the other requirements, the Board could just deny the request and have Mr. Headrick go through the process and redo the training.

Mr. Chairman questioned whether Mr. Broadus was present.

Mr. Headrick responded that Mr. Broadus was unable to attend the meeting.

Col. Ballas questioned what Staff's recommendation is

Ms Evans stated that the Department really did not have a recommendation. It is unfortunate that Mr. Headrick made a mistake but it is unclear how he could make such a mistake as all the correspondence stated funeral director. Ms Evans questioned whether Mr. Headrick did not understand that funeral director did not automatically include embalming or whether he assumed it did.

Mr. Headrick that he assumed it did.

Ms Evans questioned whether this was covered in Mortuary School.

Mr. Headrick responded no. The application was taken from the internet and David Broadus looked over it.

Ms Evans questioned whether Mr. Broadus caught the error.

Mr. Headrick responded no. After receiving the reports, the Department never called to advise that Mr. Headrick should not have been embalming so he assumed everything was in order.

Ms Thomas-DeWitt questioned where Mr. Headrick received the application from.

Mr. Headrick responded that he got it from the internet.

Ms Thomas-DeWitt stated that while reviewing Mr. Headrick's case, she visited the website and found that the applications are listed closely, but all paperwork submitted by Mr. Headrick relate to funeral directing only.

Mr. Headrick stated that he is aware of this now.

Ms Zippay questioned whether all the requirements have been met.

Ms Louks stated that the Board would have to review the documentation submitted. The Board is not required to waive the Rule, but would only be allowed to if all the requirements have been met since technically, Mr. Headrick was embalming improperly. In reviewing the documentation submitted, if he had submitted the application and fee in the right order, and all documentation shows that he meets all the qualifications to be issued that license, then the Board could do it. If he is missing something, then waiving that Rule is not going to help him.

Ms Thomas-DeWitt questioned how many hours Mr. Headrick worked.

Mr. Headrick responded that he was there for a year, 40 hours for 52 weeks. Mr. Headrick added that he did the exact same work as the intern prior to him, Blene Carter. The same quarterly report forms were submitted. All the requirements for the embalmer apprenticeship have been met.

Ms Hubbell questioned whether the Department had an obligation to notify Mr. Headrick that his embalming was not in compliance to his licensure.

Ms Evans stated that this was not noticed when the reports were submitted. Normal procedure is to make sure that we receive a report, file it and when the applicant applies for licensure we ensure we have the information on file. This is such an unusual instance.

Mr. Baxley questioned whether anyone from FCCJ would like to speak on Mr. Headrick's behalf.

Mr. Roy Weimert stated that Mr. Headrick was an excellent student who did everything he was supposed to do. In fact he was a leader in the class compared to the other students. This situation appears to be just an oversight. Mr. Headrick works for a good firm and was aught well. Mr. Weimert recommended that Mr. Headrick proceed as he has probably met the obligations required. Mr. Headrick is the type of funeral director needed for the 21st Century.

MOTION: Mr. Jones moved to approve the request contingent upon receipt of the correct application, pays the fee, file the reports correctly and is placed on probation for a year. Mr. Baxley seconded the motion, which passed unanimously.

B. Prevatt, J; Clarence E

Mr. Clarence Prevatt stated that he had a heart attack just before Christmas last year and had several surgeries in 2006. In February 2007, Mr. Prevatt had open heart surgery. As a result, the CPA did not receive the information in time. When Mr. Prevatt realized he would be late on filing the renewal, he requested to appear before the Board for extension to have the paperwork completed and also for a waiver of the late fee. Mr. Prevatt brought a copy of the financials with him.

Mr. Prevatt apologized for not attending the last meeting as he did not receive notification as such. Mr. Prevatt states that if he is scheduled to be somewhere, he is usually there. Mr. Prevatt requested that the Board waive the late fee for filing late.

The internal problem has been resolved. Therefore this issue will not occur again.

Ms Evans questioned how the Board ruled last year.

Mr. Jim Gellepis stated that Mr. Prevatt was placed on the agenda to request a waiver of the late fee schedule, but he was not notified. Therefore he did not attend the meeting. The Board denied the request. Subsequently, the Department sent a letter notifying Mr. Prevatt that the financials and late fee were due. Mr. Prevatt then submitted another request to address the Board. Up until now, the Department has not received the financials, but Mr. Prevatt advised that he is prepared to submit them today. The late fee penalty would be \$1000.

Ms Evans questioned whether it was just the financials that were not submitted on time.

Mr. Gellepis responded yes. Only the financials are outstanding.

Mr. Powell Helm questioned whether this decision is only for what happened at the April Board meeting.

Ms Evans responded yes.

Mr. Helm questioned whether Mr. Prevatt was notified of the April meeting.

Mr. Prevatt responded no.

Mr. Ken Jones questioned whether the Department inadvertently did not notify Mr. Prevatt.

Mr. Gellep responded yes.

MOTION: Mr. Jones moved to waive the late fee. Mr. Helm seconded the motion, which passed unanimously.

V II. Application(s) for Funeral Establishment

A. Recommended for Approval

1. Elijah Bell's Funeral Services LLC (Lauderdale Lakes)

Ms Evans stated that the application was submitted on May 4, 2007. The application was incomplete when submitted and a deficiency letter was sent to the applicant. The deficient items were returned on May 25, 2007. The fingerprint cards for the principal was submitted and returned without criminal history. The Funeral Establishment passed its inspection on June 8, 2007.

MOTION: Col. Balla moved to approve the application. Mr. Baxley seconded the motion, which passed unanimously.

2. O coee Family Funeral and Cremation Chapel Inc (O coee)

Ms Evans stated that the application was submitted on April 26, 2007. The application was complete and did not require a deficiency letter to be sent. The fingerprint cards for the principals were submitted and returned without criminal history. The Funeral Establishment passed its inspection on May 18, 2007.

MOTION: Col. Balla moved to approve the application. Ms Thomas-DeWitt seconded the motion, which passed unanimously.

3. Purcell Funeral Home Inc (Bushnell)

Ms Evans stated that the application was submitted on May 18, 2007. The application was complete and did not require a deficiency letter to be sent. The fingerprint card for the principal was submitted and returned without criminal history. The Funeral Establishment passed its inspection on June 13, 2007. The application is recommended for approval pending proof of the closing of the sale from Cheryl Purcell to Roger Beyers.

MOTION: Col. Balla moved to approve the application. Mr. Baxley seconded the motion, which passed unanimously.

B. Recommended for Consideration

1. Richardson Mortuary (Miami)

Mr. Chairman stated that this item would be addressed later in the meeting along with the Disciplinary Case.

V III. Application(s) for Removal Service

A. Recommended for Approval

1. Tri County Mortuary Transfer Services (Jensen Beach)

Ms Evans stated that the application was submitted on May 8, 2007. The application was incomplete when submitted and a deficiency letter was sent to the applicant. The deficient items were returned on May 25, 2007. The fingerprint card for the principal was submitted and returned without criminal history. The Removal Service passed its inspection on June 7, 2007.

MOTION: Mr. Helm moved to approve the application. Ms Zippay seconded the motion, which passed unanimously.

IX. Application(s) for Cinerator Facility

A. Recommended for Approval

1. Big Bend Cremation Services LLC (Tallahassee)

Ms Evans stated that the application was submitted on May 11, 2007. The application was complete and did not require a deficiency letter to be sent. The fingerprint cards for the principals were submitted and returned without criminal history. The Cinerator Facility passed its inspection on June 8, 2007.

MOTION: Mr. Jones moved to approve the application. Col. Ballas seconded the motion, which passed unanimously.

2. Carriage Team FL (Funeral) LLC dba Lakeland Funeral Home and Crematory

Ms Evans stated that the application was submitted on April 23, 2007. The application was incomplete when submitted and a deficiency letter was sent to the applicant. The deficient items were returned on June 1, 2007. The fingerprint cards for the principals were submitted and returned without criminal history. The Cinerator Facility passed its inspection on June 8, 2007.

MOTION: Col. Ballas moved to approve the application. Mr. Baxley seconded the motion, which passed unanimously.

3. Hodges Family Funeral Home Inc (Dade City)

Ms Evans stated that the application was submitted on April 23, 2007. The application was complete and did not require a deficiency letter to be sent. The fingerprint cards for the principals were submitted and returned without criminal history. The Cinerator Facility passed its inspection on June 11, 2007.

MOTION: Col. Ballas moved to approve the application. Mr. Baxley seconded the motion, which passed unanimously.

X. Application(s) for Refrigeration Facility

A. Recommended for Approval

1. Tri County Mortuary Transfer Services (Fort Pierce)

Ms Evans stated that the application was submitted on May 8, 2007. The application was incomplete when submitted and a deficiency letter was sent to the applicant. The deficient items were returned on May 25, 2007. The fingerprint card for the principal was submitted and returned without criminal history. The Refrigeration Facility passed its inspection on June 7, 2007.

MOTION: Col. Ballas moved to approve the application. Mr. Baxley seconded the motion, which passed unanimously.

DISCUSSION: Mr. Chairman requested that Mr. King come forward. The Board recommends that Mr. King move forward with his concurrent interment application. This is very important.

XI. Application(s) for Direct Disposal Establishment

A. Recommended for Approval

1. Big Bend Cremation Services LLC (Tallahassee)

Ms. Evans stated that the application was submitted on May 11, 2007. The application was complete and did not require a deficiency letter to be sent. The fingerprint cards for the principals were submitted and returned without criminal history. The Direct Disposal Establishment passed its inspection on June 8, 2007.

MOTION: Mr. Jones moved to approve the application. Mr. Baxley seconded the motion, which passed unanimously.

XII. Application(s) for Centralized Embalming Facility

A. Recommended for Approval

1. North Florida Mortuary Services (Lake City)

Ms. Evans stated that the application was submitted on February 6, 2007. The application was incomplete when submitted and a deficiency letter was sent to the applicant. The deficient items were returned on May 2, 2007. The fingerprint cards for the principals were submitted and returned without criminal history. The Centralized Embalming Facility passed its inspection on May 15, 2007.

MOTION: Ms. Hubbell moved to approve the application. Ms. Thomas-DeWitt seconded the motion, which passed unanimously.

XIII. Application(s) to Acquire Control of an Existing Cemetery Company

A. SCI Funeral Services of Florida, Inc to acquire Rolling Oaks Cemetery (Port St. Lucie)

Mr. Chairman disclosed his affiliation with SCI Funeral Services of Florida, Inc.

Ms. Loucks questioned whether this would impact Mr. Chairman's decision making ability to render a fair and impartial decision regarding this application.

Mr. Chairman responded no.

Ms. Evans stated that the application was received on May 1, 2007 from SCI Funeral Services of Florida, Inc., for authority to acquire control via external asset purchase of Rolling Oaks Cemetery. The department noted no deficiencies with the application.

All principals' fingerprint and criminal history reports were received and reflected no adverse results. The applicant has waived the final examination of trust funds by the Department.

Approval is contingent upon the following:

1. Department receipt of documents verifying the closing of the sale.
2. Existing cemetery license returned for cancellation.

The Department recommends approval of this application.

MOTION: Ms Zippay moved to approve the application with the contingencies. Col. Ballas seconded the motion, which passed unanimously.

XIV. Application(s) for Preneed Sales Agent
A. Recommended for Approval - See Addendum A

Ms Evans presented the applicants for approval and requested to make some additions. Staff advised on Monday that there was a list in addition to the addendum for various appointing entities and various funeral homes. The list could be deferred to the conference call, but Staff would like to have this resolved today.

Mr. Chaiman questioned whether the list is recommended for approval.

Ms Evans responded yes.

MOTION: Mr. Helm moved to approve the applications on the addendum and the list. Col. Ballas seconded the motion, which passed unanimously.

XV. Application(s) for Preneed License
A. American Burial & Cremation Service, Inc. d/b/a Larry Taylor Funeral and Cremation Services (Punta Gorda)

Ms Evans stated the Department received the application on May 15, 2007. The Department received fingerprint cards and a completed background check revealed no criminal history. The applicant previously held a preneed license that was not renewed for the period beginning July 1, 2004. The renewal application was withdrawn at the December 1, 2004 Board meeting due to deficient financial statements.

The Applicant's financial statements for the period ended December 31, 2006 reflect the following:

Preneed Contracts	= \$1, 65,569
Required Net Worth	= \$ 100,000
Reported Net Worth	= \$ (212,149)

Tim Claiborne, the applicant's CPA, has requested Board consideration of the application and has proposed 100% trusting or use of insurance-funded sales to compensate for the deficient net worth.

The Applicant proposes use of the pre-approved Funeral Services, Inc. (FSI) First Florida Trust Agreement (South Trust Estate & Trust Co.) and pre-arranged funeral agreement.

Mr. Claiborne stated that the Board members received compiled financials. Ms Evans noted that the applicant pulled the application in 2004. This was done so that the applicant could begin making the necessary changes to its preneed accounting. The applicant showed a negative net worth and was concerned that he would not be approved, so he withdrew the application and began using FSI's

certificate of authority for selling preneed. At this time, the applicant wishes to regain his certificate of authority by reapplying. The negative net worth noted is due to the preneed accounting where the trust assets are less than the 100% preneed contract liability. The applicant proposes using insurance and/or 100% trusting. The Board has approved this type situation many times.

Col. Ballas questioned what the applicant proposes to get rid of the negative net worth.

Mr. Claiborne stated that this would improve once the applicant begins trusting 100%, as opposed to 70% trusting, and/or insurance. It appears to be a good firm with positive cash flow and is moving in the right direction.

Ms Hubbell questioned whether there is a one time charge to retained earnings.

Mr. Claiborne stated this was when he helped the applicant record the preneed assets and contracts in the right manner. This is over the amount of the deficit.

Mr. Baxley questioned whether the applicant has been writing under FSI's certificate of authority.

Mr. Claiborne responded correct.

Mr. Baxley questioned whether there have been any issues.

Mr. Bill Williams stated that FSI has a whole other subsidiary called Trusting Funeral Plans who has its own COA. Prior to allowing anyone to use that license, FSI conducts an in depth review of the financial records to ensure that they are fiscally responsible. FSI feels this is a good firm and there have been no issues.

MOTION: Ms Hubbell moved to approve the application. Mr. Baxley seconded the motion, which passed unanimously.

B. Hancock Funeral Home Inc (Ft Meade)

Ms Evans stated the Department received the application on February 5, 2007. A deficiency letter was sent by the Department on March 15, 2007. Applicant responded to all deficiencies by April 11, 2007. Fingerprint cards were received by the Department and a completed background check revealed no criminal history. The Applicant obtained a funeral establishment license on November 29, 2006.

The Applicant's financial statements as of February 28, 2007 reflect the following:

Preneed Contracts	= \$	0
Required Net Worth	= \$	10000
Reported Net Worth	= \$	28,262

The Applicant will use the pre-approved trust and contract forms of the Independent Funeral Directors of Florida (IFDF) Master Trust Fund.

MOTION: Ms Thomas-DeWitt moved to approve the application. Ms Zippay seconded the motion, which passed unanimously.

C. Moming Glory Funeral Chapel of St Petersburg (St Petersburg)

Ms Evans stated the Department received the application on March 23, 2007. No deficiencies were noted on the application. Fingerprint cards were received by the Department and a background check was completed. Applicant obtained a funeral establishment license on April 21, 2006

The Applicant answered "yes" to both Question #10, "Has the applicant ever been the subject of any bankruptcy proceeding or had a judgment filed against it, either present, past or pending?" and Question #15(b), "Has any person subject to disclosure requirement ever plead guilty, been convicted, or entered a plea in the nature of no contest, regardless of whether adjudication was entered or withheld by the court in which the case was prosecuted, in the courts of Florida or another state of the United States or a foreign country, regarding any crime indicated below: Any other felony not already disclosed under subparagraph 1, immediately above, which was committed within the 20 years immediately preceding the date this application is submitted.

In response to Question 10 Ms Lisa M. Speights submitted a letter and documentation in reference to a personal bankruptcy filed in July 2005 Ms Speights also provided a letter and detail regarding the disposition of creditor accounts as proof that the bankruptcy was successfully completed and discharged on August 31, 2005

Additionally, in response to Question 15(b), Ms Speights disclosed that in 1990 she was charged with fraudulent use of a credit card, felony. All penalties and sanctions have been satisfied in connection with this case and this matter has previously been presented to the Board for consideration of funeral establishment license and was approved.

The Applicant's financial statements as of December 31, 2006 reflect the following:

Preneed Contracts	= \$	0
Required Net Worth	= \$	10000
Reported Net Worth	= \$	53,277

The Applicant will use the pre-approved Funeral Services, Inc. (FSI) First Florida Trust Agreement (SouthTrust Estate & Trust Co.) and pre-arranged funeral agreement.

MOTION: Mr. Helm moved to approve the application. Ms Zippay seconded the motion, which failed with 4 dissenting votes

Ms Hubbell stated that the financial should be in compliance with GAAP. There are certain things that appear to be discrepancies. There is a total expense for the year, \$6000 in depreciation, yet on the Balance Sheet only \$3000 depreciation expense is shown. Accounts receivable – there is a negative number in the equity section. There are different items in the Balance Sheet and the Income Statement that do not appear to be in compliance.

Ms Lisa Speights stated that this is her first year in business and it has been a good first year. Ms Speights stated that she would have her accountant to take another look at the numbers. Ms Speights requested that the Board defer the application to the next meeting.

Ms Evans questioned whether the applicant is willing to waive its 90 day rights in writing.

Ms Speights responded yes

2nd MOTION: Ms Zippay moved to defer the application. Mr. Baxley seconded the motion, which passed unanimously.

DISCUSSION: Mr. Jones questioned whether updated financials would be submitted.

Ms Evans questioned when the updated financials would be submitted.

Mr. Williams questioned when the deadline for the next Board meeting would be.

Ms Evans responded July 8th.

D. Navarro Funeral Homes LLC (Dora)

Ms Evans stated the Department received the application on March 16 2007. No deficiencies were noted on the application. Fingerprint cards were received by the Department and a completed background check revealed no criminal history. The Applicant obtained a funeral establishment license on August 28, 2006

The Applicant answered "No" to Question #10 "Has the applicant ever been the subject of any bankruptcy proceeding or had a judgment filed against it, either present, past or pending?" However, Mr. David Navarro submitted a letter and documentation in reference to a personal bankruptcy filed in 2008 following dissolution of marriage. Additionally, Mr. Navarro provided a letter and detail regarding the disposition of creditor accounts including a notice of discharge of debtor filed on October 2008.

The Applicant's financial statements as of November 30, 2006 reflect the following:

Preneed Contracts	= \$	0
Required Net Worth	= \$	10000
Reported Net Worth	= \$	42,160

The Applicant will use the pre-approved Funeral Services, Inc. (FSI) First Florida Trust Agreement (SouthTrust Estate & Trust Co.) and pre-arranged funeral agreement.

Ms Evans questioned whether Ms Hubbell had an opportunity to review the financials as they do not appear to conform to GAAP.

Ms Hubbell stated that the financials did not conform to GAAP. The applicant does not appear to meet the requirements based on this information.

Mr. Williams requested that the application be deferred to the next meeting.

Ms Evans questioned whether Mr. Williams is authorized to waive the 90 day rights on behalf of the applicant.

Mr. Williams responded that the waiver would be submitted in writing today.

Ms Evans responded that the deadline is July 8th.

Ms Hubbell stated that the application asked "Are you and any company with whom you are connected financially solvent", and the applicant answered no.

MOTION: Ms Hubbell moved to defer the application to the next meeting pending receipt of revised financials by July 8th. Ms Thomas-DeWitt seconded the motion, which passed unanimously.

E. Pinello Funeral Homes Inc. (Daytona Beach)

Ms Evans stated the Department received the application on April 27, 2007. There were no deficiencies noted by the Department. Fingerprint cards were received by the Department and a completed background check revealed no criminal history. Applicant obtained a funeral establishment license on June 8, 2007. Applicant previously held a Preneed License which expired on July 1, 2006 due to failure to renew.

The Applicant's financial statements for the period ended December 31, 2006 reflect the following:

Preneed Contracts	= \$ 71,834
Required Net Worth	= \$ 10,000
Reported Net Worth	= \$ 55,932

The Applicant will use the pre-approved Funeral Services, Inc. (FSI) First Florida Trust Agreement (SouthTrust Estate & Trust Co.) and pre-arranged funeral agreement.

MOTION: Mr. Jones moved to approve the application. Col. Ballas seconded the motion, which passed unanimously.

F. Professional Funeral Services of Northwest FL d/b/a Davis Watkins Funeral Home (Ft Walton Beach)

Ms Evans stated the Department received the application on April 9, 2007. A deficiency letter was sent by the Department on April 17, 2007. Applicant resolved all deficiencies by June 8, 2007. Fingerprint cards were received by the Department and a completed background check revealed no criminal history. The Applicant obtained a funeral establishment license on May 15, 2007. Additionally, Applicant took over existing preneed contracts in the amount of \$22,753 from Ward-McDonald Memorial Co., Inc. d/b/a Panhandle Direct Cremation Services in Defuniak Springs. Ward-McDonald is not renewing its Preneed License for the July 1, 2007 – June 30, 2008 renewal period.

The Applicant's financial statements for the period ended December 31, 2006 reflect the following:

Preneed Contracts	= \$ 22,753
Required Net Worth	= \$ 10,000
Reported Net Worth	= \$ 10,318

The Applicant will use the pre-approved Funeral Services, Inc. (FSI) First Florida Trust Agreement (SouthTrust Estate & Trust Co.) and pre-arranged funeral agreement.

Ms Evans stated that this is a simple financial statement. However, it does not delineate current assets and current liabilities. They are all sort of lumped together.

Mr. Williams responded that the current maturities are reflected in the Liability Section.

Ms. Evans stated the assets are all grouped. The Current Maturities does not include the assets. Technically, it does not meet GAAP requirements.

Ms. Hubbell confirmed this.

Mr. Williams requested that the application be deferred to the next meeting.

Ms. Loucks questioned whether Mr. Williams was authorized to speak on behalf of the applicant and waive the 90-day rights.

Mr. Williams responded yes.

MOTION: Ms. Zippay moved to defer the application to the next meeting. Mr. Helm seconded the motion, which passed unanimously.

G. Purcell Funeral Home, Inc. d/b/a Purcell Funeral Home (Bushnell)

Ms. Evans stated the Department received the application May 16, 2007. Purcell Funeral Home is currently licensed under the sole ownership of Cheryl Purcell. On April 25, 2005, the Board approved the transfer of the license from Mr. J. Lane Purcell, former sole proprietor and 100% owner. This application is submitted to reflect the incorporation of Purcell Funeral Home.

The Applicant's financial statements as of December 31, 2006 reflect the following:

Preneed Contracts	= \$ 1,494,892
Required Net Worth	= \$ 100,000
Reported Net Worth	= \$ 1,588,283

The Applicant will be using the pre-approved Funeral Services, Inc. (FSI) First Florida Trust agreement and pre-arranged funeral agreement.

The Department recommends approval of this application.

MOTION: Col. Ballas moved to approve the application. Ms. Hubbell seconded the motion, which passed unanimously.

*****ITEMS TAKEN OUT OF ORDER*****

IV. Disciplinary Proceedings

A. Richardson Mortuary, DFS Case No. ~~86761-06FC~~

Ms. Casia Sincro stated that this was initiated with a Notice of Intent to Cease and Desist. One of the Department's inspectors, upon conducting the annual inspection, noted that the funeral home was operating under a different name than its original name and had also changed ownership and had been operating under the new ownership for quite a while. Mr. Dwight Jackson, the FDIC, and Richardson Mortuary, which is what they are now called, hold a license under Richardson Funeral Home and are represented by counsel. The Department has been in negotiations with Richardson Mortuary and with

their counsel and have come up with a Settlement Agreement to take care of the Notice of Intent to Issue the Cease and Desist, which was issued by the Department in order to stop the unlicensed change of ownership and name change. The Settlement Agreement entails the payment of an administrative fine in the amount of \$500 and with the condition that Richardson Mortuary would obtain licensure as a funeral establishment within 30 days from the date of entry of the Consent Order, which would be issued today. Richardson Mortuary is up for consideration of their application for licensure today as well.

Ms Loucks questioned whether Mr. Jackson is represented by counsel.

Ms Sinco responded yes. Counsel was not present as she had a prior engagement in California that she could not change.

Ms Loucks questioned whether Mr. Jackson had any objection with the Board proceeding without his counsel being present.

Mr. Jackson responded no.

Ms Sinco stated that the Department requests approval of the Consent Order based on the settlement stipulation, which would take care of the Notice of Intent to Issue the Cease and Desist that Department filed against Richardson Mortuary.

Mr. Jackson stated that he is a 3rd generation funeral director. The issue came about as a result of a lawsuit that someone filed against him, which he has claimed victory to. Mr. Jackson stated that he was unaware that there were 2 different names as they have operated under the same name for almost eighty years.

Ms Sinco stated that after the Department filed the Notice of Intent to Issue the Cease and Desist, Mr. Jackson and Richardson Mortuary did file an application fairly quickly after receiving the notice.

MOTION: Mr. Baxley moved to approve the order. Mr. Jones seconded the motion, which passed unanimously.

B. Recommended for Consideration
1. Richardson Mortuary (Miami)

Ms Evans stated that the applicant answered "Yes" to Section G in Adverse Licensing History Questions, question (d): Are you currently to your knowledge under investigation by any regulatory or law enforcement authority in Florida or any other state or jurisdiction in regard to alleged misconduct or incompetence in the performance of work under a death care industry license?

The applicant is currently under a cease and desist order issued by the Department. Richardson Mortuary was formerly owned by Mrs. Artie Richardson until she passed away and it was taken over by Mr. Dwight Jackson. Mr. Jackson submitted a change of ownership application on January 31, 2007. The applicant submitted fingerprint cards and they were returned with no criminal history. The Funeral Establishment passed its inspection on June 13, 2007.

MOTION: Ms Thomas-DeWitt moved to approve the application. Ms Hubbell seconded the motion, which passed unanimously.

XV I. Application(s) for Preneed License Branch
A. Recommended for Approval - See Addendum B

Ms Evans presented the application(s).

MOTION: Mr. Jones moved to approve the application(s). Ms Zippay seconded the motion, which passed unanimously.

XV II. Preneed License Renewals
A. Recommended for Approval - See Addendum C*

Ms Evans presented the application(s).

Mr. Baxley disclosed his affiliation with Belleview Funeral Home, Hiers Funeral Home Inc, Hiers Memorial Chapel Inc and Highland Memorial Park Association Inc.

Ms Louks questioned whether this would impact Mr. Baxley's decision making ability to render a fair and impartial decision regarding this application.

Mr. Baxley responded no.

Ms Thomas-DeWitt disclosed her affiliation with Gail-Wynn Mortuary, Inc.

Ms Louks questioned whether this would impact Ms Thomas-DeWitt's decision making ability to render a fair and impartial decision regarding this application.

Ms Thomas-DeWitt responded no.

Mr. Chaïman disclosed his affiliation with SCI Funeral Services of Florida, Inc.

Ms Louks questioned whether this would impact Mr. Chaïman's decision making ability to render a fair and impartial decision regarding this application.

Mr. Chaïman responded no.

MOTION: Ms Hubbell moved to approve the application(s). Col. Ballas seconded the motion, which passed unanimously.

B. Recommended for Denial – See Addendum D*

Ms Evans presented the application(s).

MOTION: Mr. Baxley moved to deny the application(s). Mr. Jones seconded the motion, which passed unanimously.

C. Recommended for Consideration - See Addendum E*

?? **A.M. Seigler Funeral Home, P.A. (Mulberry)**

Ms Evans stated the above licensee is recommended for Board consideration based on the following:

Does not meet the Financial Requirements set forth in Rule 69K-5.0016 F.A.C.

Total Preneed Contracts	\$ 567,708
Required Net Worth:	\$ 60,000
Reported Net Worth:	\$ 2,119

The December 31, 2006 Renewal Statement identifies 100% of all outstanding preneed sales as insurance funded. In response to a Department efficiency notice, on June 15, 2007 the Licensee submitted a letter requesting consideration based upon the value of the real estate and property.

An independent appraiser's letter regarding the value of the real estate as of April 23, 2007 estimates the "asis" market value of the property as \$560,000. The "as complete" market value as of the anticipated date of completion, October 23, 2007 is \$825,000. The total value of fixed assets less depreciation on the balance sheet is \$123,458.

Mr. Alan Mark Seigler stated that he is the 100% owner of A M Seigler Funeral Home. Mr. Seigler stated that it should be Inc., but the Department's records still reflect P.A. Mr. Seigler added that there is still some confusion regarding the owner. Mr. Seigler's father passed away 2 years ago and he has submitted several requests to have this changed.

Mr. Chairman questioned whether Mr. Seigler filed a change of ownership.

Mr. Seigler responded that he had done so twice and made three personal phone calls.

Mr. Baxley questioned whether the addition would be a large one.

Mr. Seigler stated that it would not be a large addition. Currently the process is on hold, but there will be an extensive cosmetic refurbishment.

MOTION: Ms Hubbell moved to approve the application. Mr. Baxley seconded the motion, which passed unanimously.

?? ***Bevis Colonial Funeral Home, Inc. (Tallahassee)***

Ms Evans stated the above Licensee is recommended for Board consideration based on the following:

Financial statement requirements for preneed license, Rule 69K-5.0016(2) – intangible assets/sufficient liquid assets to satisfy current liabilities

Financial Statements for the period ended December 31, 2006 reflect the following:

Total Preneed Contracts	\$ 1,641,207
Required Net Worth:	\$ 100,000
Reported Net Worth:	\$ 185,615

The December 31, 2006 Renewal Statement identifies \$1,305,244 of outstanding contracts as insurance-funded. The Licensee's balance sheet identifies Non-Current Other Assets (intangible) as \$779,278.

including a \$200,000 note receivable from a stockholder. In addition, \$100,000 is included in Current Assets as Contribution to Capital Receivable. It is not clear if the receivables are from the same stockholder and if the \$100,000 contribution has been made. Current Assets total \$175,962 (including the \$100,000 receivable), with Cash consisting of \$2,261. Current Liabilities total \$293,738. The Licensee's current (liquidity) ratio (current assets/current liabilities) is .60. Cumulative Retained Earnings on the income statement are (\$195,395).

Mr. John Rudolph stated that the receivables are from the same stockholder and the \$100,000 contribution was made.

MOTION: Col. Ball moved to approve the application. The motion failed, as there was no second.

Ms Hubbell questioned why the applicant would list a Contribution to Capital Receivable on the Balance Sheet as an asset.

Mr. Rudolph responded that the applicant paid \$100,000 to pay down some debts. The applicant chose not to take that as a payment on the note.

Ms Hubbell questioned whether it should be listed under Paid In Capital instead of an asset on the books.

Mr. Rudolph stated that he is not an accountant and the applicant's accountant is not present. There is a positive net worth that exceeds the amount required by Statute. It appears to be a GAAP statement. The applicant has been doing 100% trusting for insurance funded for the last few years.

Mr. Chairman questioned whether the applicant would continue trusting 100%.

Mr. Rudolph stated he would have to speak with the applicant because they meet the requirements for a preneed license. There may be questions regarding the financial statements that have not been asked of the applicant. Mr. Rudolph questioned whether the Board would delay the motion until he speaks with the applicant.

Ms Hubbell stated that there appears to also be an issue of whether the applicant can meet their liabilities as they have \$2,261 and owe \$293,738. There appears to be some problem there.

Mr. Chairman stated that the item would be deferred until later in the meeting.

?? *Boynton Memorial Chapel, LTD (Boynton Beach)*

Ms Evans stated the above licensee is recommended for Board consideration based on the following:

Does not meet the Financial Requirements set forth in Rule 69K-5.0016F.A.C.

Total Preneed Contracts	\$ 2,457,821
Required Net Worth:	\$ 100,000
Reported Net Worth:	\$ (1,483,663)

The December 31, 2006 Renewal Statement identifies trust principal as \$1,853,259 and accumulated interest as \$214,791. The Licensee submitted a letter with the renewal statements acknowledging the

deficient financials requesting consideration based upon the value of the real estate and property. Notes and Loans Payable reflect \$2,570,000 for Real Estate Mortgages. The Licensee's current (liquidity) ratio (current assets/current liabilities) is 1.35.

An independent appraiser's letter regarding the value of the real estate as of November 19, 2006 estimates the market value of the property as \$3,540,000. The value of the real estate owned on the balance sheet is \$1,940,395, less \$656,490 accumulated depreciation, for a total of \$1,283,905.

The Licensee was approved by the Board under the same circumstances for the July 1, 2006 renewal.

Mr. Storm et Norem stated that he appears before the Board each year, except last year, and apologized for not attending that meeting. The Board still approved the application in his absence. This is probably Mr. Norem's 10th appearance for the same issue, which is based on the real estate. It was purchased in 1979 and it has been depreciated out since. Recently, a major remodeling was done to half of the building to add a crematory and the refrigeration facilities. All of the landscaping and parking lots were redone. It looks like a brand new building and the appraisal reflects this. Also, two properties were added. It is all in the name of the funeral home and the property is owned by the funeral home.

MOTION: Mr. Baxley moved to approve the application. Ms. Zippay seconded the motion, which passed unanimously.

?? ***Buxton Funeral Home, Inc. (Okeechobee)***

Ms. Evans stated the above Certificate holder is recommended for Board consideration based on the following:

Does not meet the Financial Requirements set forth in Rule 69K-5.0016 F.A.C.

Total Preneed Contracts	\$ 1,296,605
Required Net Worth:	\$ 100,000
Reported Net Worth:	\$ 27,271

The December 31, 2006 Renewal Statement identifies \$737,387 of the outstanding contracts as insurance funded and \$559,218 as trust funded. Trust principal is \$279,977 and trust interest is \$25,965. The Licensee's current (liquidity) ratio (current assets/current liabilities) is .35. Cumulative Retained Earnings on the income statement are (\$232,781).

In response to a notice of deficiency, the Licensee states that in the past few years it suffered 100% losses of its two funeral homes due to hurricanes, which required moving into modular homes for a time until their recent move into a new building. The letter states that one insurance settlement has been signed and a suit brought against the company for not paying in a timely manner. The other settlement is being processed and is expected to be for approximately \$1,000,000. The Licensee requests Board consideration based on these circumstances and on its past history of compliance and approvals.

Mr. Paul Buxton stated that this is definitely an isolated incident. Buxton Funeral Home has been a viable funeral home since August 1980 and has never had a deficiency as the applicant has always been compliant. During Hurricane Frances, the main funeral home was hit hard. Then Hurricane Gene, which tore the roof off and a tornado went through the building. This left the funeral home 100% lost of both structure and content. In the process of recovery, the applicant operated for 2.5 years in three single wide

modular buildings. At the time of the Hurricane, Buxton Funeral Home was doing approximately 85% of the market share. Then Hurricane Wilma destroyed their funeral home in Moorehaven 100%, structure and content. The Moorehaven claim, according to Insurance Recovery of America, has been settled. However, the applicant has not yet received funds as this was just in the last couple weeks. The bad date claim for failure to pay in a timely manner is currently being filed by counsel for the applicant. The Okeechobee claim was a unanimous claim that became very complicated. Due to the multitude of claims that the adjusters were dealing with, it appeared that the applicant was constantly placed on the back burner. In January 2006 Mr. Buxton suffered a hemorrhagic stroke and was paralyzed on the right side. At that time, an insurance recovery company was hired to handle the claims. The in-house accountant prepared documents that were presented to the Board at the meeting. The applicant moved into a new building the beginning of December and have already 2 months ahead of last year. From 2004 to present, the scale is growing upward and the applicant is recovering. Buxton Funeral Home sustained itself without receipt of the insurance settlements. The representatives from FSI, FFDA and /or IFDF would attest to the previous compliance and intent to rectify this situation, as the applicant is credible.

MOTION: Ms Zippay moved to approve the application. Ms Hubbell seconded the motion, which passed unanimously.

?? ***Carthage Chapel Funeral Home, Inc. (Jacksonville)***

Ms Evans stated the above licensee is recommended for Board consideration based on the following:

Does not meet the Financial Requirements set forth in Rule 69K-5.0016 F.A.C.

Total Preneed Contracts	\$ 915,456
Required Net Worth:	\$ 100,000
Reported Net Worth:	\$ 56,996

The December 31, 2006 Renewal Statement identifies 100% of outstanding sales as insurance-funded contracts. The Licensee's current (liquidity) ratio (current assets/current liabilities) is .88.

In a letter dated May 24th Mr. Kenneth Peele Jr., President, states that he agrees to subordinate a note receivable from the funeral home for \$5,561 to help fulfill the net worth requirement. He has also submitted a Duval County Property Appraiser's market valuation for a property at another location to be held as collateral to fulfill the funeral home net worth. The assessed market value of the property is \$54,234. It appears Mr. Peele holds the ownership of this property personally.

Ms Evans questioned how would the property that Mr. Peele is suggesting to be held as collateral be collateralized.

Ms Loucks stated that it does not appear that the Department could use this house as collateral. Ms Loucks questioned whether Mr. Peele had tried to get a loan using the house as collateral or a note.

Mr. Kenneth Peele Jr. responded no. This is other property not a personal house.

Ms Evans questioned whether it is personally owned by Mr. Peele.

Mr. Peele responded yes. It is rental property.

Ms Zippa stated that if the Board approves it with this property, there is nothing preventing the applicant from selling the property after the approval.

Mr. Peele questioned whether the Board would accept a written statement indicating that the property would not be sold.

Ms Zippa stating that would not be the same as putting a mortgage on the property that would prevent it from being sold.

Mr. Peele stated that he is 100% insurance funded.

Mr. Baxley questioned whether Mr. Peele plans to maintain 100% insurance funded.

Mr. Peele responded yes

Ms Evans stated that the Board could request that Mr. Peele accept a restriction to his preneed to maintain the policy of only using insurance funded.

Mr. Chairman questioned whether Mr. Peele would accept that stipulation.

Mr. Peele responded yes

MOTION: Mr. Baxley moved to approve the application with the stipulation of insurance funding only. Mr. Jones seconded the motion, which passed with one dissenting vote.

?? **CEP Investment, Inc. db/a Prevatt Funeral Home (Hulson)**

Ms Evans stated the above licensee is recommended for Board consideration based on the following:

On March 5, 2007 the Department received the R-1 Renewal Application with renewal fee and the R-3 Renewal Statement, which identifies the following:

Total Preneed Contracts	\$ 1,980,103
Required Net Worth:	\$ 100,000
Reported Net Worth:	\$?

\$1,588,895 of the outstanding preneed sales is insurance-funded. Principle balance in the preneed trust fund is \$357,761.

The licensee's last fiscal year end date was December 31, 2006. In accordance with Chapter 497.453(5), Florida Statutes, financial statements for preneed license renewal are due within 3 months of the after the end of the licensee's fiscal period, or by April 1, 2007.

On March 15, 2007 the Department received a letter from Mr. Clarence E. Prevatt, Jr., advising the Department that due to health problems he was unable to deliver documents to the accountant in order to prepare financial statements in a timely manner.

At the April 11, 2007 Board meeting the licensee requested an extension of time for filing the financial statement and waiver of the penalty for late filing. The request was denied by the Board.

The Department issued a deficiency notice on April 30, 2007 notifying the Licensee that the financial statements had not been received. On May 18, 2007 the Department received a resubmission of the letter requesting consideration. As of June 18, 2007, the financial statements had not been received.

For the previous two renewal periods the Licensee submitted documentation from the Pasco County Property Tax Collector on the assessed value of the land and building. The Board approved renewal for the period through June 30, 2007 upon the condition that all trust-funded contracts written during the license period shall continue to be trusted at 100%. The Licensee was allowed to continue to sell insurance-funded preneed contracts. The licensee is requesting approval under the same conditions.

Mr. Prevatt brought a copy of the financials to the meeting.

Ms Evans stated that the Board would not be able to review the financials during the meeting.

Mr. Prevatt stated that he could prepare the financials by the end of the meeting.

Ms Evans stated that the item could not be deferred as it is the expiration of a license.

Mr. Jones questioned the financials.

Mr. Prevatt stated that last year's deficit was \$92,717.55. The applicant used Pasco County Tax statement valued at over \$400,000. This was used to cover the deficit. The applicant is trusting 100%. This year's deficit is only \$11,374 and the applicant is presenting the Pasco County Ad Valorem Tax assessment of \$545,947. The real estate should be enough to cover the deficit.

Mr. Chairman questioned the reported net worth.

Mr. Prevatt presented a copy of the financials.

Ms Evans stated that the net worth for December 31, 2005 was (\$92,717.55). This year it has been reduced to (\$11,374.07). Ms Evans questioned what the applicant has been doing to improve the net worth.

Mr. Prevatt stated that he has increased his capital contribution.

Ms Michele Arguin questioned whether the Board would approve the application contingent upon review of the financial statement by staff and the continuance of 100% trusting.

Mr. Helm questioned whether Ms Evans could review the financials now.

Ms Evans stated that it is a compilation. There is no engagement letter.

Ms Arguin questioned if Mr. Prevatt were to submit an official copy with the compilation statement and the ad valorem taxes by June 30th whether the Board would approve the application contingent upon review by staff.

Ms Evans stated that staff would review it once it is received.

Mr. Prevatt responded that he would submit the information once it was put together and stapled.

MOTION: Mr. Jones moved to approve the application contingent upon acceptable financials and the continuance of 100% trusting. Mr. Baxley seconded the motion, which passed unanimously.

?? **Lanier Funeral Home, Inc. (Lakeland)**

Ms Evans stated the above licensee is recommended for Board consideration based on the following:

Does not meet the Financial Requirements set forth in Rule 69K-5.0016 F.A.C.

Total Preneed Contracts	\$ 68,434
Required Net Worth:	\$ 80,000
Reported Net Worth:	\$ (30,659)

The Licensee's current (liquidity) ratio (current assets/current liabilities) is .36 Cumulative Retained Earnings on the income statement are (\$30,659).

In response to a notice of deficiencies, the licensee submitted a letter dated May 18th requesting consideration based upon the fair market value of the real estate and property. A Polk County Property Tax document as of October 7, 2005 estimates the market value of the property for 2006 as \$886,630. The value of property and equipment on the balance sheet (less depreciation) is \$286,353. The licensee requests Board consideration based on the estimated fair value of the property to meet the minimum net worth requirement. The Licensee states it also intends to subordinate the Mortgage payable of \$287,464, thus removing it from the Liability section of the balance sheet. The Department notes that subordination would not remove the item as a long-term liability, but means it would be paid last. Only if the note is forgiven can it be treated as a contribution to capital.

MOTION: Ms Hubbell moved to approve the application. Mr. Jones seconded the motion, which failed with 4 dissenting votes

Mr. Williams stated that the financials were submitted last year in the exact same circumstances as they are this year and the Board voted overwhelmingly to approve those. This is the exact same situation of others that have been approved today. Mr. Williams requested that the Board reconsider this application. The applicant is going to take the mortgage out of the business' name and put it into the individual's name.

Mr. Baxley questioned the preneed.

Mr. Mike Lanier stated that the preneed started out being trust only. Then they went to trust insurance and now they have gone to strictly trusting 100%. As far as the indebtedness to the bank, that was something where stockholders were buying out other stockholders. It was meant to be a personal loan to the stockholders and not to the corporation. This will become a personal debt and not a corporate debt.

Mr. Baxley questioned whether the applicant would be willing to accept the stipulation of remaining 100% trusted.

Ms Zippy questioned when the mortgage would become a personal loan rather than a corporate loan.

Mr. Lanier stated that the balloon payment has recently become due and has been renegotiated. The applicant is currently changing banks and is unsure whether this would happen now or in the near future.

Ms Zippay stated that this was needed to be done at the time the Lanier's talk with their lender rather than afterwards

Mr. Lanier stated that he is unsure whether that was thought of in advance or not. Everything is based on his parents' property.

2nd MOTION: Mr. Jones moved to approve the application with the stipulation of 100% trusting. Mr. Baxley seconded the motion, which passed with 1 dissenting vote.

*****BREAK 12:00p- 12:20p*****

Mr. Chairman recognized the President of Florida Morticians Association, Mr. Bernard Mitchell and Vice President Lawrence Epps

?? ***Machriste, Inc. (Panama City)***

Ms Evans stated the above Certificate holder is recommended for Board consideration based on the following:

Does not meet the Financial Requirements set forth in Rule 69K-5.0016 F.A.C.

Total Preneed Contracts	\$ 3,898,394
Required Net Worth:	\$ 100,000
Reported Net Worth:	\$ 18,173

The December 31, 2006 Renewal Statement identifies \$3,014,285 of the outstanding contracts as insurance funded and \$884,109 as trust funded. Trust principal is \$604,798 and trust interest is \$81,826

In a letter dated May 30 2007 the Licensee requests the renewal be approved subject to prior conditions plus proposing pledging the equity in land owned in Panama City. An appraisal report as of January 8 2002 was attached. The Board approved renewal for the current license period upon the condition that the Licensee submit quarterly financial statements that all trust-funded contracts written during the period be trusted at 100%. The Licensee's current (liquidity) ratio (current assets/current liabilities) is 1.43.

MOTION: Mr. Jones moved to approve the application. Ms Zippay seconded the motion, which passed with 1 dissenting vote.

?? ***Molico, Inc. d/b/a: David-Russell Funeral Home (Lakeland)***

Ms Evans stated the above licensee is recommended for Board consideration based on the following:

On May 2, 2007 the Department issued a notice of deficiency regarding incomplete response on the renewal statement, including disciplinary action information. In response, on June 6th the Licensee submitted a copy of a consent order dated March 28, 2007 between the Department and the funeral home. The consent order finding detailed various operational deficiencies at the funeral home and failure to

make timely payments to the Regulatory and Preneed Funeral Contract Consumer Protection Trust Funds

In the Settlement Stipulation, the Licensee agreed to make timely payments and present quarterly proof of payments to the funds to the Division's Tampa office. The Licensee was assessed a \$2,000 administrative fine and placed on probation for a period of six months. The fine was paid on April 4th.

There are no outstanding deficiencies for the preneed license renewal application.

Total Preneed Contracts	\$ 311,226
Required Net Worth:	\$ 40,000
Reported Net Worth:	\$ 332,665

MOTION: Col. Ballas moved to approve the application. Ms Hubbell seconded the motion, which passed unanimously.

?? *Q uattlebaum Funeral Home, Inc. d/b/a: Q uattlebaum Funeral & Cremation Services (West Palm Beach)*

Ms Evans stated the above licensee is recommended for Board consideration based on the following:

Does not meet the Financial Requirements set forth in Rule 69K-5.0016 F.A.C.

Total Preneed Contracts	\$ 2,413,760
Required Net Worth:	\$ 100,000
Reported Net Worth:	\$ (614,679)

The December 31, 2006 Renewal Statement identifies insurance funded contracts outstanding as \$372,357 of. The trust principal is \$1,388,247 and interest \$187,654. The Licensee's current (liquidity) ratio (current assets/current liabilities) is 5.43.

Mr. G. Earl Q uattlebaum, holder of a note receivable in the amount of \$770,622 from Q uattlebaum Funeral Home, Inc., submitted an agreement subordinating the payment of that note to the extent that the funeral home requires additional funds not generated from income from operations, to fulfill the commitment to the preneed trust. Personal financial statements for G. Earl and Phyllis Q uattlebaum have also been submitted in this regard.

Mr. Williams stated that the Board has approved this application for the past 3 or 4 years in almost the identical format. Mr. Q uattlebaum has subordinated this note and the Board has always given approval in the past.

Mr. Chairman questioned whether there were any changes in the condition of this situation.

Mr. Williams stated that other than the fact that Mr. Q uattlebaum passed away a couple of weeks ago, yes. The reality of it is that the note he subordinated belongs to his living trust. Mr. Q uattlebaum signed that as a PR of that living trust, so it still carries forward. The trust itself is the holder of the actual note.

MOTION: Mr. Jones moved to approve the application. Ms Zippay seconded the motion, which passed with 1 dissenting vote.

?? **Stephen R. Baldauff Family Funeral Home & Crematory, Inc. (Deltona)**

Ms Evans stated the above license renewal is recommended for Board consideration based on the following:

Does not meet minimum net worth requirements of Rule 69K-5.0016(3).

Total Preneed Contracts	\$ 2,158,440
Required Net Worth:	\$ 100,000
Reported Net Worth:	\$ (358,467)

The renewal statement identifies \$2,004,561 of outstanding preneed sales as insurance-funded. Trust principal balance is \$132,532. The Licensee's current (liquidity) ratio (current assets/current liabilities) is .96

A deficiency notice was sent on May 9, 2007 notifying the Licensee that the preneed license renewal financial statements did not meet the required minimum net worth of \$100,000. On June 19, 2007 the Department received a letter from Mr. Kevin Hazlip, accountant, explaining the Licensee's financial position and requesting approval conditioned upon continued 100% trusting and sales of insurance-funded contracts only.

Mr. Kevin Hazlip stated that Mr. Johnson is requesting that conditions are continued, 100% trusting or insurance-funded. Since Mr. Johnson has taken over from Mr. Baldauff, the examinations have been clean and Mr. Johnson has had no punitive measures. The negative net worth that did exist as a result of the treasury stock transaction has been reduced. In fact, Mr. Johnson has added \$317,000 worth of net worth since he has taken over. Mr. Johnson is making progress in reducing the net worth and is doing a good job of running the business. The good will has been evaluated at \$940,000. If the good will was brought up to current value on the books, it would add an additional amount of net worth so that the result would be a positive amount of \$323,000. In 2004, at the Board's request since the real property of the corporation is held in by Mr. Johnson personally, Mr. Johnson signed a guarantee agreement with that to the Department. Mr. Johnson has done various things to ensure this and would continue to request the Board's consideration in that he would continue to trust 100% and sell insurance.

Mr. Jones questioned whether the guarantee stays in place.

Mr. Hazlip stated that it has not been removed and there was no end date on it when submitted to the Department in 2004.

Ms Hubbell stated that she did not receive a current balance sheet or income statement.

Mr. Hazlip stated that Ms Hubbell was looking at the evaluation of the good will.

Ms Evans questioned whether the financials were submitted.

Mr. Hazlip stated that the applicant has a September year end, so the financials would have been submitted back in December.

Mr. Gellepis stated that the financials should have been included in the packets.

MOTION: Mr. Jones moved to approve the application conditioned upon continued 100% trusting and/or sales of insurance-funded contracts only. Mr. Baxley seconded the motion, which passed with 1 dissenting vote.

*****ITEM PREVIOUSLY DISCUSSED*****

?? **Bevis Colonial Funeral Home, Inc. (Tallahassee)**

Mr. Rudolph stated that the applicant agrees to continue trusting 100% and insurance funded.

MOTION: Mr. Baxley moved to approve the application. Ms Zippay seconded the motion, which passed unanimously.

D. Expirations – See Addendum F*

Ms Evans presented the application(s).

XV III. Application(s) to Become a Training Facility

- A. Anderson Funeral Home (Fort Myers)
- B. Anderson Funeral Home of Lehigh Acres (Fort Lauderdale)
- C. Bergen Funeral Service, Inc (Naples)
- D. Blount, Curry & Roel Funeral Homes & Cemeteries (Tampa)
- E. Blount & Curry Funeral Home – Carrollwood Chapel (Tampa)
- F. Garden of Memories Funeral Home Cemetery (Tampa)
- G. Naples Funeral Home, Inc. (Naples)
- H. Sarah L Carter’s Funeral Home, Inc. (Jacksonville)
- I. Sarah L Carter’s Funeral Home, Inc (Jacksonville)

Mr. Baxley questioned the whether the numbers presented are within the few months indicated in “range of date.”

Ms Evans responded yes

Mr. Helm stated that there were no numbers for funeral directing listed for Anderson Funeral Home of Lehigh Acres and the applicant is applying for funeral directing and embalming.

MOTION (B only): Col. Ballas moved to approve the application(s) pending verification of the funeral directing count. Mr. Jones seconded the motion, which passed unanimously.

MOTION (A, C-D): Ms Zippay moved to approve the application(s). Ms Thomas-DeWitt seconded the motion, which passed unanimously.

XIX. Application(s) for Florida Laws and Rules Examination

A. Recommended for Approval - Addendum G

1. Funeral Director and Embalmer- Internship

- a. **Arcelay, Tarynne T**
- b. **Ardon, Daisy M**
- c. **Bedenbaugh, Aimee M**
- d. **Bleicher, Mary B**

- e. *Clark, Andrew D*
 - f. *Evans, Jason P*
 - g. *Jnvier, Janna*
 - h. *Mc Govern, Sara A*
 - i. *Mitchell, Kara L*
 - j. *Stevenson, Patricia A*
2. ***Funeral Director and Embalmer Endorsement***
- a. *Chapman, Jo B*
 - b. *Hughes, Bobby R*
 - c. *Orin, Alan G*
 - d. *Spears, George A*
 - e. *Sponaugle, Harry E*
 - f. *Staley, Benjamin M*
 - g. *Vieira, Christopher D*
 - h. *Vieira, Isabel M*
 - i. *Watts, Jeffrey K*
3. ***Funeral Director Internship***
- a. *Pechacek, Lauren Noel*

Ms Evans presented the applicant(s) for the Florida Laws and Rules Exam.

MOTION: Ms Zippay moved to approve the application(s). Mr. Helm seconded the motion, which passed unanimously.

DISCUSSION: Ms Patricia Stevenson questioned what it is she would be allowed to do as she has not completed an internship in Florida. Ms Stevenson was previously licensed in Florida, but her license lapsed. Ms Stevenson questioned whether she would have to work in a facility as an intern prior to taking the exam or would she be able to work as a funeral director.

Mr. Chairman questioned whether Ms Stevenson applied for a concurrent funeral director and embalmer.

Mr. Helm stated that he thought this issue was resolved at the meeting in Deerfield Beach.

Ms Stevenson stated that her husband was discussed at that meeting and this time she speaking on her own behalf. Ms Stevenson stated that she really did not need to do an internship. She only needed to take the exam, but there was nothing on the application to indicate this.

Mr. Chairman questioned how long it has been since Ms Stevenson served her internship.

Ms Stevenson responded that her internship was served in Missouri. Ms Stevenson had been a FDIC in Florida and worked in Florida until running into some complications with funeral services at which time she decided she no longer wanted to work in the profession. Ms Stevenson stated that she has been approached by a gentleman who she feels is sincere to the families and would like to work for him again. Ms Stevenson stated that she has passed the National Board Exam but is unsure what she is permitted to do prior to taking the Florida Laws and Rules Exam.

Ms Louks stated if the Board is making an approval of an intern license then Ms Stevenson would only be able to do what is allowed of an intern. Ms Stevenson would have to work under the supervision of a

licensed funeral director or embalmer and would not be able to work outside the scope of the internship license.

Ms Stevenson questioned whether she would be able to work at a funeral home without a training facility.

Mr. Chaiman responded no.

Ms Stevenson questioned how this would affect her taking the Laws and Rules Exam.

Mr. Chaiman stated if Ms Stevenson's license expired then she would have to go through the process of filing for a new license and would have to serve the internship and pass the law exam.

Ms Stevenson stated that when she contacted the Department, she was advised that the only thing she would need to do was pass the law exam.

Ms Evans stated that this is confusing as Ms Stevenson applied for an internship.

Ms Stevenson stated that this is the same situation her husband was in. Upon applying, there was no space on the paperwork other than the internship or apprenticeship.

Mr. Baxley stated that he recalls the discussion. There was no form that exactly met what Ms Stevenson was applying for which is essentially neither licensure by endorsement or internship. It is actually re-licensure of an expired license that has not been renewed.

Mr. Kevin Davis stated that, in past history when licenses have gone null and void, since Ms Stevenson has already served an internship in Florida and have taken the National Board Exams, she should have just applied for a funeral director and embalmer license, which would give her access for the exam.

Ms Stevenson stated that she applied for what she was told to apply for.

Mr. Chaiman stated that the Board would direct Ms Stevenson to apply for a funeral director and embalmer license. Mr. Chaiman stated that the fee should be applied to the new application.

Ms Evans stated that could not be done.

Ms Stevenson stated that this is confusing since she has done what the Department advised her to do. Ms Stevenson stated that no one told her to just apply for the funeral director and embalmer license.

Ms Evans stated that she could not respond to that as she was not privy to the conversation nor does she know what was presented. Ms Evans questioned whether Ms Stevenson was licensed in Florida, not another state.

Ms Stevenson responded that she was licensed in Florida and another state. Ms Stevenson previously took that Laws and Rules exam in Florida and worked as a funeral director in Florida.

Mr. Jones questioned whether Ms Stevenson still holds a license in another state.

Ms Stevenson responded no.

Ms Louks stated that the problem Ms Stevenson has as coming in as a re-licensee is she basically has to start from scratch with the license application process because she did not hold a license and was not practicing in the other state prior to coming to Florida so she did not qualify.

Ms Stevenson responded that she was practicing prior to coming to Florida.

Mr. Chairman questioned what the Board could do to help Ms Stevenson. Mr. Chairman stated that the Board would have an answer for Ms Stevenson later in the meeting.

B. Recommended for Consideration

1. Funeral Director and Embalmer-Internship

a. Cohen, Thomas J

Ms Evans stated that the applicant answered "Yes" to Section 9, in Criminal History Questions-"Have you, the applicant herein, ever plead guilty, been convicted, or entered a plea in the nature of no contest, regardless of whether adjudication was entered or withheld by the court in which the case was prosecuted, in the courts of Florida or another state or the United States or a foreign country, regarding any crime indicated below:"

Date: 9/20/2004
Location: Yavapai County, Arizona
Case #: CR2004-0417
Offense: Driving Under the Influence, Possession for sale of Marijuana
Pled: Guilty to DUI of being impaired to the slightest degree, other charges dismissed
Sentence: 30 days House Arrest, Fines & Fees \$3505, 1 Year Unsupervised Probation
(Reduced to 6 months)
Disposition: Guilty

Col. Ballas questioned whether Mr. Cohen paid the fine of \$3505 and whether the probation was reduced to 6 months

Mr. Thomas J Cohen responded yes

MOTION: Col Ballas moved to approve the application. Mr. Baxley seconded the motion, which passed with 3 dissenting votes

b. Outwater, Gary A

Ms Evans stated that the applicant answered "Yes" to Section 9, in Criminal History Questions-"Have you, the applicant herein, ever plead guilty, been convicted, or entered a plea in the nature of no contest, regardless of whether adjudication was entered or withheld by the court in which the case was prosecuted, in the courts of Florida or another state or the United States or a foreign country, regarding any crime indicated below:" Mr. Outwater previously held a Funeral Director and Embalmer license with the State of Florida.

Date: 9/29/2003
Location: Duval County
Case #: 2003-MM-51610
Offense: Trespass, Contempt of Court

Pled : Nolo Contendere; Guilty
Sentence: 2 Days Incarceration; Costs \$153; Second Charge, 2 Days Concurrent
Disposition: Guilty

Date: 11/16/2003
Location: Duval County
Case # 2003-MM-563114
Offense: PT Not Specified; Contempt of Court
Pled : Nolo Contendere; Guilty
Sentence: 30 Days Incarceration (2 Days Credit); Second Charge, 2 Days Concurrent
Disposition: Guilty

Date: 1/6/2004
Location: Duval County
Case # 2004-MM-816
Offense: Petit Theft; Contempt of Court
Pled : Nolo Contendere; Guilty
Sentence: 30 Days Incarceration (2 Days Credit); Second Charge, 2 Days Incarceration
(2 Days Credit)
Disposition: Guilty

Date:
Location: Duval County
Case # 2005-MM-8728
Offense: Trespass Occup
Pled : Guilty
Sentence: 10 Days Incarceration (2 Days Credit)
Disposition: Guilty

Date: 6/11/2005
Location: Duval County
Case # 2005-MM-19920
Offense: PT-First Degree
Pled : Nolo Contendere
Sentence: 12 Months Incarceration (12 Days Credit); Costs \$230 Matrix House
Program with Early Release upon Completion
Disposition: Guilty

Ms Thomas-DeWitt stated that although Mr. Outwater was a licensed funeral director, he does not meet the criteria based on today's standard and Mr. Outwater did not take the National Exam.

MOTION: Ms Thomas-DeWitt moved to deny the application. Mr. Baxley seconded the motion, which passed with 3 dissenting votes.

XX. Application(s) for Funeral Director and Embalmer Intern
A. Recommended for Approval – See Addendum H
1. Collazo, Catherine E

Ms Evans presented the application(s) for Funeral Director and Embalmer Intern.

MOTION: Mr. Jones moved to approve the application(s). Ms. Zippay seconded the motion, which passed unanimously.

B. Recommended for Consideration

1. Lusco, Eugene

Ms. Evans stated that the applicant answered "Yes" to Section 7, in Criminal History Questions - "Have you, the applicant herein, ever plead guilty, been convicted, or entered a plea in the nature of no contest, regardless of whether adjudication was entered or withheld by the court in which the case was prosecuted, in the courts of Florida or another state or the United States or a foreign country, regarding any crime indicated below:"

Date: 6/22/2002
Location: Duval
Case #: 2002-MM-08090
Offense: Violation of Injunction for Protection
Pled: No Contest
Sentence: Fine \$153; First Step Program
Disposition: Adjudication Withheld

MOTION: Mr. Helm moved to approve the application. Mr. Jones seconded the motion, which passed unanimously.

XXI. Application(s) for Embalmer Apprentice

A. Recommended for Approval – See Addendum H

1. Anilus, Merland
2. Comelison, Krystal M
3. Costine, Harold S
4. Green, Joshua I
5. Howard, Cynthia B
6. Rose, Mitchell J
7. Washington, Thomas C
8. Waters, Marilyn L
9. Wilson, Daniel B

Ms. Evans presented the application(s) for Embalmer Intern.

MOTION: Mr. Helm moved to approve the application(s). Ms. Thomas-DeWitt seconded the motion, which passed unanimously.

XXII. Continuing Education Course Approval(s)

A. Recommended for Approval – See Addendum I

1. ArcMesa Educators #000277
2. CANA-Cremation Association of North America #000426
3. Florida Funeral Directors Association #0001395
4. Florida Morticians Association #0004161
5. Funeral CE Web CE #0008221
6. Funeral Review.com #0001783
7. International Cemetery, Cremation & Funeral Association #0001415

- 8. *MKJ Marketing #000419*
- 9. *National Funeral Directors Association #000441*
- 10. *Pinellas County Funeral Home Association #000751*

Ms Evans presented the courses for approval.

Mr. Clay Roberson stated the Florida Funeral Directors Association would be having its annual convention July 11-14 in West Palm Beach. The provider was approved for 11 and denied the 1 hour for the trade show. There will be 45 funeral service and cemetery vendors. For 1 hour, the attendees would have to go around to each booth and have the vendor explain their product in order to receive credit. This has been done for the past 5-7 years and has been approved.

Mr. Baxley stated that he and Ms Peoples were the 2 out of 3 to deny the hour. Ms Peoples has the most experience with the approvals from the past of the other Board. Mr. Baxley stated that he was under the impression that this was a precedence thing and was not aware that this has been done in the past. It would be appropriate for the Board to vote on it. Mr. Baxley stated that he would not oppose if there was a definite way of tracking that the attendees had spent the appropriate time.

MOTION (#3): Mr. Jones moved to approve the application to include 1 hour approval for trade show. Mr. Helm seconded the motion, which passed unanimously.

*****ITEM NOT ON AGENDA*****

Ms Evans stated that it has been brought to her attention that the Florida Morticians Association #0004161 has not completed all requirements to become a provider. Therefore, the courses that are currently to be approved for them would not be valid for a provider that did not renew.

Mr. Chaiman questioned whether there was a deficiency in the application.

Ms Evans stated that there was a deficiency. The funds may not have been paid.

Mr. Bernard Mitchell stated that this information is new to the Association and requested that they be allowed to rectify this situation in order to be approved for the courses.

Mr. Chaiman questioned whether the Board would consider approval pending receipt of the fees and all documentation is accurate. This should be resolved by June 30th.

MOTION: Ms Zippay moved to approve the request with the stipulation. Ms Thomas-DeWitt seconded the motion, which passed unanimously.

Ms Evans stated that another provider, Alexander Wynn III, is requesting approval of 3 of the courses presented with the same instructor as funeral directors are planning to take the course this summer to get their funeral license. The provider has submitted applications for 'The Futility of Fighting Evolution', 'Embalming Restorative Art' and 'HIV/AIDS: The Beginning, The Middle and The Future.' The courses were submitted with the same instructor and curriculum.

Mr. Chaiman questioned whether Alexander Wynn III is a provider.

Ms Evans responded yes, Provider #0008678.

MOTION: Ms Thomas-DeWitt moved to approve the request. Mr. Helm seconded the motion, which passed unanimously.

MOTION (1-2, 4-10): Mr. Helm moved to approve the application(s). Mr. Baxley seconded the motion, which passed unanimously.

XXIII. Consumer Protection Trust Fund Claims

A. Recommended for Approval - See Addendum J

Ms Evans presented the claims for approval.

MOTION: Ms Thomas-DeWitt moved to approve the claims. Ms Zippay seconded the motion, which passed unanimously.

B. Recommended for Consideration

1. American Family Cremation Society (Beneficiary: Benjamin Midgley)

Ms Evans stated that the following Consumer Protection Trust Fund Proof of Claim and Disbursement Request are being presented to the Board for consideration.

Purchaser:	Midgley, Benjamin
Beneficiary:	Midgley, Benjamin
Claimant:	Gale Midgley
Contract Amount:	\$ 495.00
Amount Paid on Contract:	\$ 495.00
Amount Disbursed:	\$ 0.00
Portion of payments ICS retained as non-trust:	\$ 0.00
Amount Requested:	\$ 495.00

On February 14, 1996 a preneed contract for Mr. Benjamin Midgley purportedly was purchased from American Family Cremation Society, Inc. in the amount of \$495.00. Mrs. Midgley, the next of kin confirmed that the contract was paid in full to a representative of American Family Cremation Society, Inc. Mr. Benjamin Midgley passed away on December 28, 2006. On or about January 4, 2007, Mrs. Midgley purchased an at-need contract from American Family Funerals & Cremations, Inc. in the amount of \$6200.

American Family Cremation Society, Inc. went out of business and the At Peace Cremation Society (APCS) purchased the contracts from Charles Stutts, Receiver.

Mrs. Midgley is now seeking restitution from the Pre-need Funeral Contract Consumer Protection Trust Fund. All necessary documents have been enclosed for your review.

It should be noted that the claimant could not provide a copy of the breached contract, but did provide a copy of the American Family Cremation Society, Inc. Pre-Arrangement Identification Card as proof that Mr. Midgley did have a contract with American Family Cremation Society, Inc.

Additionally, there is no record of the above contract with FSI. This contract was one of the non-trusted preneed contracts written by American Family Cremation Society, Inc.

Mr. Helm questioned whether the 2 companies were one in the same.

Ms Evans responded no, similar names but different companies. Ms Evans stated that the issue is she did not have a copy of her contract.

Mr. Chairman questioned whether it was routine for American Family Cremation Society to do an unfunded prearrangement and get an identification card. Mr. Chairman stated that his concern is that there is no proof and no contract with FSI.

Ms Evans stated that American Family Cremation Society was headquartered in Lakeland. This was a company that grew tremendously. It opened up, received its license and sold hundred sand thousands of contracts statewide over the period of about 1.5 years. It came to the Department's attention that monies were not being trusted, so an audit was conducted. The first year audit seemed okay. Over the next 6 months, there were a lot of shortages. It was ultimately determined that the owner had stolen about \$1 million of insurance premium sand about \$400,000 of trust deficits. In all of the claims honored, there has never been evidence that someone received an id card but did not get and pay for a contract. American Family Cremation Society collected the money, but did not turn it into FSI's trust or the insurance company. Or they turned in \$5, or just enough to show that there was an active contract, into FSI for trust, and kept the rest.

MOTION: Mr. Baxley moved to deny the request. Ms Zippay seconded the motion, which passed unanimously.

2. *Shores Funeral Home (Beneficiary: Helen Flammia)*

Ms Evans stated that the following Consumer Protection Trust Fund Proof of Claim and Disbursement Request are being presented to the Board for consideration.

Purchaser:	Flammia, Helen
Beneficiary:	Flammia, Helen
Claimant:	Helen Salvo
Contract Amount:	\$ 475,000
Amount Paid on Contract:	\$ 475,000
Amount Disbursed:	\$ 2,673.30
Portion of payments ICS retained as non-trust:	\$ 000
Amount Requested:	\$ 2,076.70

On March 22, 1995, a preneed contract for Ms Helen Flammia was purchased by her niece Ms Lynn Salvo from Shores Funeral Home (Frostproof) in the amount of \$475,000. Shores Funeral Home, Inc. has since gone out of business. Ms Salvo, a next of kin confirmed that the contract was paid in full and funds were trusted by FSI. Ms Helen Flammia passed away on January 14, 2007. On January 15, 2007, Ms Salvo purchased an at-need contract from Whitfield Funeral Home, Inc. in the amount of \$878.00. Ms Salvo's paperwork was destroyed during 2008 hurricane season (Charlie). Whitfield Funeral Home, Inc. received \$2,673.30 from FSI trust balance. The trust was used to pay for the at-need services in the amount of \$878.00 and the difference was refunded to Ms Salvo in the amount of \$1,795.00.

Ms Salvo is now seeking restitution from the Pre-need Funeral Contract Consumer Protection Trust Fund for the remaining balance of her aunt's Shores Funeral Home (Frostproof) contract. All necessary documents have been enclosed for your review.

It should be noted that the claimant could not provide a copy of the breached contract. A copy was obtained from FSI as proof that Ms Flammia did have a contract with Shore Funeral Home.

MOTION: Ms Zippay moved to approve the amount recommended by Staff. Mr. Baxley seconded the motion, which passed unanimously.

XXIV. Contracts or Other Related Forms

A. Funeral Services, Inc. (FSI) (Tallahassee)

- 1. Prearranged Funeral Agreement - Guaranteed**
- 2. Prearranged Funeral Agreement - Non-Guaranteed**

Form FLIN GO120070701 - Guaranteed

The agreement was received by the Department on May 18, 2007. The agreement is to be used in conjunction with life insurance policies issued by Funeral Directors Life Insurance Company. The agreement will be used exclusively by funeral homes that are clients of Funeral Services, Inc. There are no outstanding deficiencies.

Form FLIN GO120070701 - Non-Guaranteed

The agreement was received by the Department on May 18, 2007. The agreement is to be used in conjunction with life insurance policies issued by Funeral Directors Life Insurance Company. This agreement is identical to the Guaranteed agreement with the exception of Section IX – Terms and Conditions 1. - No Price Guarantee. Current retail prices will be charged at the time goods and services are provided. The Department presents the agreement to the Board for discussion and consideration. There are no outstanding deficiencies.

Compliance with other State and Federal regulations is the responsibility of the Certificate-holder.

MOTION: Ms Zippay moved to approve the contract. Ms Hubbell seconded the motion, which passed unanimously.

B. Lake City Wilbert Vault, Inc. (Lake City)

- 1. Monument Establishment Retail Sales Agreements Memorial Contract, Bronze Memorial Contract, Addendum**

Ms Evans stated that the agreements are submitted in compliance with Section 497.553, Florida Statutes that require monument establishment sales agreement forms be filed with and approved by the Board.

Staff recommend approval of the agreements pending Department receipt within 45 days of two print-read agreements with the following revisions:

- ?? Name, address and telephone number of interim right owner (if different from purchaser)
- ?? Disclosure that the memorial or marker meets all of the cemetery's rules and regulations as of the date of the contract
- ?? Lot, block or section number of grave (if to be delivered to a cemetery) or memorial location

MOTION: Ms Zippay moved to approve the agreements pending Department receipt within 45 days of two print-read agreements with noted revisions. Mr. Helm seconded the motion, which passed unanimously.

XXV. Trust Agreement(s)

A. Regions Bank (Houston, TX)

1. Master Florida Preneed Funeral Trust Agreement

Ms Evans stated that this trust agreement is submitted by Regions Bank, formerly National Fiduciary Services N.A. At the October 16, 2008 meeting, the Board approved the Master Florida Preneed Funeral Trust Agreement of National Fiduciary Services. This agreement is substantially the same as the previously approved, reflecting the change of name to Regions Bank.

Staff recommend approval of the agreement.

MOTION: Mr. Jones moved to approve the agreement. Ms Hubbell seconded the motion, which passed unanimously.

2. Master Florida Cemetery Care & Maintenance Trust Agreement

Ms Evans stated that this trust agreement is submitted by Regions Bank, formerly National Fiduciary Services N.A. At the October 16, 2008 meeting, the Board approved the Master Florida Preneed Funeral Trust Agreement of National Fiduciary Services. This agreement is substantially the same as the previously approved, reflecting the change of name to Regions Bank.

Staff recommend approval of the agreement.

MOTION: Mr. Baxley moved to approve the agreement. Ms Zippay seconded the motion, which passed unanimously.

XXVI. Trust Transfer(s)

A. Kent Care of Florida, LLC (Tallahassee)

1. Preneed Trust Transfer – Forethought Federal Savings Bank Florida Preneed Master Trust Agreement to Regions Bank Master Florida Preneed Funeral Trust Agreement.

2. Cemetery Care & Maintenance Trust Transfer – Forethought Federal Savings Bank Perpetual Care & Maintenance Trust Agreement to Regions Bank Master Florida Cemetery Care & Maintenance Trust Agreement.

Ms Evans stated that the Applicant requests approval for the transfer of the preneed trust funds of Kent Care of Florida, LLC from Forethought Federal Savings Bank Florida Preneed Master Trust Agreement and, care & maintenance trust funds from Forethought Federal Savings Bank Perpetual Care Master Trust Agreement. Kent Care of Florida, LLC, Inc. was approved at the February 7, 2007 Board meeting for acquisition of Abbey-Riposta Funeral Home and Tallahassee Memory Gardens cemetery.

The approval of these transfers is contingent upon the approval of the Regions Bank Preneed and Care and Maintenance Trust agreement applications that appear on this agenda.

Compliance with other State and Federal regulations is the responsibility of the Certificate-holder.

MOTION: Ms Thomas-DeWitt moved to approve the request. Col. Balla seconded the motion, which passed unanimously.

XXV II. Administrative Report

The Administrative Report was submitted to the Board on the Agenda.

XXV III. Disciplinary Report

	Issued Since Last Meeting (April 11, 2007)	Issued Since January 1, 2007
Notice of Non-Compliance	0	1
Letters of Guidance	3	7
Citations	0	0

Probable Cause Panel B – April 5, 2007

Cases Reviewed	Cases Withdrawn	Probable Cause Findings	No Probable Cause Findings	Additional Info Requested	Guidance Letter in Lieu of PC	Dismissed
5	0	5	0	0	0	0

Probable Cause Panel A – May 25, 2007

Cases Reviewed	Cases Withdrawn	Probable Cause Findings	No Probable Cause Findings	Additional Info Requested	Guidance Letter in Lieu of PC	Dismissed
6	0	4	0	0	0	2

XXIX. Finance Committee Report (0 ral)

Ms Evans stated that the Committee met on June 26th and reviewed the request by the Department to evaluate renewal fees of all license types. The Division still has the issue of the 10 positions that were granted by the Legislature but are being held abeyance due to lack of recurring revenue, which according to the Governor's office is renewal fees. In order to request that the Governor's office approve the activation of the 10 positions, the Division would have to show that there were sufficient funds in renewal fees to support the salary dollars needed. The analysis reflects that there is an excess of \$332,000 for this purpose. There was a shortfall needed of approximately \$155,000. The Committee suggested making the recommendation to change a couple of rules. A specific rule to be changed would be to increase the amount paid by preneed licenses per preneed contract from \$4 per preneed contract to \$6 per preneed contract, which would bring in approximately \$150,000 of additional revenue. The Committee also recommended a legislative change, to be presented as a part of the legislative packet for next year, to suspend the requirement in the law that limited the Board in Consumer Protection Trust Fund remittances. Right now the law states that the Board can reduce the amount to the trust fund, since it is over \$1 million, to no less than \$1 per contract. The suggestion was made to eliminate that altogether and leave the Board with the authority so if there happens to be a large amount of claims to the fund or if something bad happens at the Board enacting of a rule, payments to the trust fund would resume. This decision and suggestion was made because there is \$69 million in this trust fund. Over the last 4 years, the average amount paid out per year is approximately \$50,000- \$55,000 which is less than 1%. It did not seem necessary to have some money in a protection fund that is not been used when money is needed in a separate fund for staffing to provide better regulation and better enforcement.

MOTION: Col. Ball seconded to approve the recommendation. Mr. Helm seconded the motion, which passed unanimously.

Ms Corinne Olvey questioned whether the Board approved the recommendation to be forwarded to Rules Committee for a Rule or whether the increase is being approved right now.

Ms Evans responded that the increase was approved and would be effective by the rule promulgation.

XXX. Chairman's Report (Oral)

Mr. Chairman stated that the next meeting would be a Teleconference on July 10th.

*****ITEM PREVIOUSLY DISCUSSED*****

**XV. Application(s) for Preneed License
D. Navano Funeral Homes LLC (Dora)**

Mr. Williams stated that the financials are in accordance with GAAP and there is a positive net worth of \$45,000. Also, there was a typo on the application the applicant where applicant answered no when asked "Are you and any company with whom you are connected financially solvent?"

Mr. Williams requested that the Board approve the application contingent upon the applicant submitting a revised application.

MOTION: Mr. Baxley moved to approve the application contingent upon receipt of the revised documentation. Ms Zippay seconded the motion, which passed unanimously.

DISCUSSION: Mr. Helm stated that all Board members are not accountants. Therefore information on financials should be presented to indicate whether or not the financial is acceptable. Also there should be something done regarding the applicants whose net worth is always negative.

Mr. Williams stated that this is being worked on in one of the Finance subcommittee to suggest to the Department presenting a cover sheet to the Board members and are reviewing some of the financial obligations.

Ms Evans stated that the Department would amend the way the analysis is presented to disclose any history. The financial requirements rule states the minimum requirements along with a list of items that the Board may accept if the financial requirements are not met.

Ms Evans stated that the financial picture of some of the applicants have improved but others have remained the same.

Ms Hubbell stated that in certain circumstances there probably would not be any change because the consideration being requested is the difference between what they paid for something years ago versus the equities that they have today. On a balance sheet, that would never change if you are complying with GAAP.

Ms Evans stated that she would like to work up some time of training session like Accounting 101 on what is GAAP, what the Department is looking for, current ratio, etc. Perhaps training could take place at the beginning of the year prior to next year's renewal.

DISCUSSION: Mr. Prevatt questioned whether he should wait until after lunch to see whether his PNL renewal has been approved.

Ms Evans stated that Mr. Prevatt submitted documentation, but it is unclear whether everything was included.

Mr. Chairman stated that the Board has not had time to review the information. The application was already approved contingent upon the Department's review of the submission.

Ms Arguin stated that she would get with Mr. Prevatt and Mr. Gellep tomorrow to resolve the issue.

DISCUSSION: Mr. Hazlip questioned whether the terms of the applicants for preneed licensure would begin now or July 1st.

Ms Evans responded July 1st.

XXXI. Attorney Report (Oral)

*****ITEM PREVIOUSLY DISCUSSED*****

XIX. Application(s) for Florida Laws and Rules Examination

A. Recommended for Approval - Addendum G

1. Funeral Director and Embalmer - Internship

j. Stevenson, Patricia A

Ms Loucks stated that Ms Stevenson should check with Ms Evans to determine whether the internship application could be amended to whatever application is needed. The Statute states that the Department has to charge a nonrefundable fee. Ms Loucks questioned whether the Department considers a nonrefundable fee a nontransferable fee. Ms Loucks questioned whether Ms Stevenson would be allowed to amend her application to the correct application and allow her to pay the difference between whatever the application fee would be. This would be the only action the Board would have to take. The application would then need to be reviewed to ensure Ms Stevenson has complied with all of the requirements.

MOTION: Mr. Baxley moved to transfer the fee. Ms Zippay seconded the motion, which passed unanimously.

DISCUSSION: Mr. Roberson stated that the Association has received lots of calls from funeral directors around the State regarding the change in license numbers.

Ms Evans stated that this would be addressed under the Executive Director's report.

DISCUSSION: Mr. Davis stated there have been lots of instances where renewal notices have been mailed to old addresses and old names. Mr. Davis stated that his wife's information is incorrect on her license and if searching for her through the Division's webpage, but when you go to her renewal it pulls up her old name and a location that she has not lived at for 10 years. There may be other renewals that did not go to the updated address on the webpage. Mr. Davis added that he was advised that his wife would have to submit all new paperwork to have this information changed.

Ms Evans stated that if the website has the correct name and address and the renewal notice did not, then the renewal notice must have been printed from a wrong database.

Mr. Davis stated that he was told it was printed from DBPR, but they have the current name. Mr. Davis presented the information to Ms Evans.

Mr. Davis added that the computer system indicates that he does not have a license. Therefore he has been out of compliance for the last 14 years.

XXXII. Executive Director's Report (01al)

A. Report from Richard Baldwin – Examiner for Menorah Gardens February '07 - March '07

The Board members received copies of reports from Richard Baldwin for the months of February '07 – March '07. Mr. Baldwin continues to assist consumers.

B. Staffing Report

Ms Evans stated that there are 2 vacancies: Financial Examiner Supervisor – Tallahassee and Financial Examiner/Analyst I – Tampa.

C. Update on Computer Project

Ms Evans stated that there are obvious glitches in the computer system, which was deployed on June 4th. Some of the glitches were worked out as soon as they were identified. Please advise of any snafus or things that are wrong. Ms Evans stated that she is aware of the problem with continuing education credits being posted and the problem with the renewal addresses.

D. Update on Legislation

Ms Evans stated that legislation was signed by the Governor on May 22nd. It was a relatively small Bill, but did a couple of things that are pretty important. HIV/Aids course is only required for renewal once every third biennial renewal.

Mr. Chaiman stated if the course was taken for the '05 renewal, it is not required for the '07 renewal. This does not include direct disposers. This only applies to funeral directors and embalmers.

Ms Evans stated that also included in the Bill was the prohibition that if there is an interest in a hospital, assisted care facility, nursing home, hospice or the like, you would not qualify for a funeral establishment license.

Ms Evans added that there was also a provision that allows for the cremated remains of pets to be interred in the same casket with a person. Every cemetery is not required to allow this. Rules Committee would need to address some issues as to record keeping requirements for the interment of pet remains along with a few other issues.

E. Sad News

Ms Evans announced the death of Mr. Earl Quattlebaum.

Mr. Chairman stated that Mr. Quattlebaum was on the original Cemetery Board many years ago. Mr. Quattlebaum was certainly considered a leader and pioneer in funeral service in Florida, who leaves behind quite a family that is carrying on the Quattlebaum tradition. Mr. Quattlebaum will be deeply missed.

Ms Evans added that Mr. Quattlebaum was one of the first Board members

XXX. Adjournment

At 1:48 pm., the meeting was adjourned.